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REMARKS

Claims 1-24 are pending. Claims 1-24 are rejected. Claims 9 and 15 have been amended only for purposes of clarification. No new subject matter has been added. Claims 1-24 remain pending. Reconsideration of the claims is requested in light of the following remarks.

Claim Rejections - 35 USC § 102

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lechleider. Claim 1 recites:

A server for transmitting data over a network to a client having a de-jitter buffer, the server comprising:
a regular path for transmitting data received from *a source* at a regular rate;
a burst path for transmitting data received from *the source* at a burst rate higher than the regular rate;
an initial burst transmit buffer in the burst path for buffering data from the source, and for transmitting the buffered data to the client at the burst rate; and
a switch for selecting to transmit data from one of the regular path and the initial burst path.

Lechleider discusses a transceiving methodology and concomitant transceiving circuitry wherein high speed, bursty channels are combined with uniform data rate services in a single, interleaved data stream. Lechleider deals with combining bursty modem traffic with different communication services such as entertainment video services with essentially opposite characteristics of the modem traffic.

Claim 1 requires a regular and a burst path from the same *source*. It is therefore submitted that claim 1 is patentably distinguishable over the prior art. Claims 2-6 depend from claim 1 and should be ruled allowable for that reason and for their own merits. It is submitted that claims 1-6 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 7 recites:

A client for receiving streaming media over a network, the client comprising:
a receiving de-jitter buffer for receiving and playing out the streaming media, wherein the receiving de-jitter buffer has a changing fill level having a *first threshold* that initiates playout of the streaming media and that *changes while playing out the streaming media to a second higher threshold*.

Lechleider discusses a processing block depicting the initialization phase for both a transmitter buffer and transmitter wherein a system is "turned on" to effect the training cycle for transmitter and a switch is connected to a uniform transmitter buffer. Furthermore, Lechleider discusses a bursty input stream being enabled to feed bursty information to a first buffer and uniform information is generated to and supplied over a uniform stream to a uniform buffer, all in response to a customer request (which generally arrives over an independent communication path). Furthermore, Lechleider discusses a determination if an amount of data transmitted from a buffer is above a predetermined threshold, and if not, then invoking processing to output another set of data. Lechleider further discusses the transmitter keeping track of the data required by the uniform receiver buffer by keeping track of the number of data sets stored during each hiatus in a flow of uniform data from the uniform data buffer.

Claim 7 requires a de-jitter buffer with at least two thresholds, a first threshold that initiates playout, and a second threshold that the buffer fills to after playout initiates. Lechleider not only does not mention multiple thresholds for playout, it is discussing different buffers for burst data and for uniform data. It is therefore submitted that claim 7 is patentably distinguishable over the prior art. Claim 8 depends from claim 7 and should be ruled allowable for that reason and for its own merits. It is submitted that claims 7-8 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 9 recites:

A server for retransmitting streaming media to a network comprising:
means for receiving a first portion of the streaming media from a source along a first path;
means for outputting the first portion to the network through the first path at a first rate;
means for receiving a second portion of the streaming media from the source along a second path distinct from the first path at least in part; and
means for transmitting the second portion to the network through the second path at a second rate lower than the first rate.

Lechleider discusses a transceiving methodology and concomitant transceiving circuitry wherein high speed, bursty channels are combined with uniform data rate services in a single, interleaved data stream. Lechleider deals with combining bursty modem traffic with different communication services such as entertainment video services with essentially opposite characteristics of the modem traffic.

Claim 9 requires a first and second portion of streaming media from the same *source*. It is therefore submitted that claim 9 is patentably distinguishable over the prior art. Claims 10-14 depend from claim 9 and should be ruled allowable for that reason and for their own merits. It is submitted that claims 9-14 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 15 recites similar limitations to claim 9 but in a method claim. Lechleider does not disclose a method involving streaming media from the same source in the same manner it does not involve a server to receive streaming media from the same source.

It is therefore submitted that claim 15 is patentably distinguishable over the prior art under the same arguments that claim 9 and its dependent claims are patentably distinguishable over the prior art. Claims 16-20 depend from claim 15 and should be ruled allowable for that reason and for their own merits. It is submitted that claims 15-20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 21 recites:

A client for receiving streaming media over a network, the client comprising:
means for receiving data having the streaming media encoded therein;
means for storing the received data in a de-jitter buffer thereby increasing a fullness of the buffer;
means for initiating play out of the stored data from the de-jitter buffer when the fullness reaches a fill level; and
means for changing the fill level while playing out the stored data.

Lechleider discusses a processing block depicting the initialization phase for both a transmitter buffer and transmitter wherein a system is "turned on" to effect the training cycle for transmitter and a switch is connected to a uniform transmitter buffer. Furthermore, Lechleider discusses a bursty input stream being enabled to feed bursty information to a first buffer and uniform information is generated to and supplied over a uniform stream to a uniform buffer, all in response to a customer request (which generally arrives over an independent communication path). Furthermore, Lechleider discusses a determination if an amount of data transmitted from a buffer is above a predetermined threshold, and if not, then invoking processing to output another set of data. Lechleider further discusses the transmitter keeping track of the data required by the uniform receiver buffer by keeping track of the number of data sets stored during each hiatus in a flow of uniform data from the uniform data buffer.